



Alan C. Lloyd, Ph.D.  
Agency Secretary

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor

Certified Mail: 7000 0600 0027 1155 2857

March 29, 2006

Mr. Matthew Geisert, Hazardous Materials Supervisor  
Solano County Department of Environmental Management  
675 Texas Street  
Fairfield, California 94533

Dear Mr. Geisert:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and the Department of Toxic Substances Control conducted a program evaluation of Solano County Department of Environmental Management's Certified Unified Program Agency (CUPA) on December 13<sup>th</sup> and 14<sup>th</sup>, 2005. The evaluation was comprised of an in-office program review and field inspections. The state evaluators completed a Certified Unified Program Agency Evaluation, Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation. I have reviewed the enclosed copy of the Summary of Findings and I find that Solano County Department of Environmental Management's program performance is satisfactory with some improvement needed. Cal/EPA's Unified Program staff will coordinate with your agency to track the correction of any identified deficiencies over the time frame and schedule included in the Summary of Findings.

Thank you for your continued commitment to the protection of public health and the environment. If you have any questions or need further assistance, you may contact Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosures  
cc: See next page

Matthew Geisert  
March 29, 2006  
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cc: Mr. Matthew Geisert, Hazardous Materials Supervisor (Sent Via Email)  
Solano County Department of Environmental Management  
675 Texas Street  
Fairfield, California 94533

Mr. Mark Pear (Sent Via Email)  
Department of Toxic Substance Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2721

Mr. Fred Mehr (Sent Via Email)  
Governor's Office of Emergency Services  
P.O. Box 419047  
Rancho Cordova, California 95741-9047

Mr. Charles McLaughlin (Sent Via Email)  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

Mr. Moustafa Abou-Taleb (Sent Via Email)  
Governor's Office of Emergency Services  
P.O. Box 419047  
Rancho Cordova, California 95741-9047



STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY



Alan C. Lloyd, Ph.D.  
Agency Secretary

**CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION**

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**SUMMARY OF FINDINGS**

**CUPA: Solano County Department of Environmental Management**

**Evaluation Date: December 13<sup>th</sup> and 14<sup>th</sup>, 2005**

**EVALUATION TEAM**

**Cal/EPA: Kareem Taylor**

**OES: Fred Mehr**

**DTSC: Mark Pear**

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

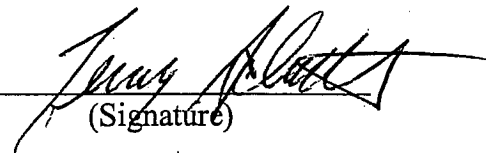
	<b><u>Deficiency</u></b>	<b><u>Preliminary Corrective Action</u></b>	<b><u>Timeframe</u></b>
1	<p>The CUPA is not documenting Return to Compliance from businesses found to have violations. However, the CUPA is performing re-inspections to follow-up on all violations identified during inspections. In addition, the CUPA has developed a Certification of Return to Compliance form, however, the form was not found in the facility files. For the following facility inspections no documentation could be found in the files supporting that the facility had returned to compliance:</p> <ul style="list-style-type: none"><li>1) Delta Steel Erectors - 08/01/2002 inspection</li><li>2) Macro plastics - 01/07/2004 inspection</li><li>3) Cecil's Hi Tech Auto Care - 08/22/2002 inspection</li><li>4) Motoring Specialist - 08/25/2003 inspection</li><li>5) Shaw Pipe Shields, Inc. - 03/12/2001 inspection</li></ul>	<p>The CUPA will ensure that Certification of Return to Compliance form is used by all CUPA inspectors. Additionally, they will ensure that facility files contain the documentation of Return to Compliance.</p>	<p>March 15, 2006</p>

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

2	During the HWG oversight inspection, the CUPA inspector failed to determine whether the owner was required to keep a written tank assessment, on file certified by a qualified engineer registered in California, for the waste methylene chloride tank.	Corrected on site	N/A
3	The CUPA has not established a CalARP dispute resolution procedure with the required elements of T19 2780.1.	The CUPA will establish a CalARP dispute resolution procedure with the required elements of T19 2780.1.	February 14, 2006
4	The CUPA's "boilerplate" site map does not contain all the required data elements. The items missing are Loading Areas, Parking Lots, Adjacent Property Uses, and Access and Egress Points and Roads. The items missing from the Sub-Site Map are Scale of Map, Locations of Each Storage Area, Location of Each Hazardous Material Handling Area, and Location of Emergency Response Equipment.	The CUPA will amend their "boilerplate" site map to include the missing data elements.	February 14, 2006
5	The CUPA's "boilerplate" emergency response plans/procedures is missing a required data element from Title 19 Section 2731. The element missing is mitigation, prevention, or abatement of hazards to persons, property, or the environment.	The CUPA will amend their "boilerplate" emergency response plans/procedures to include the missing data element.	February 14, 2006
6	The CUPA's "boilerplate" business plan training program is missing a required data element from Title 19 Section 2732. The element missing is procedures for coordination with local emergency response organizations.	The CUPA will amend their "boilerplate" business plan training program to include the missing data element.	February 14, 2006

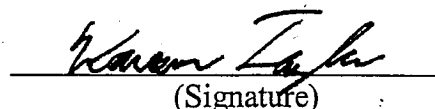
CUPA Representative

TERRY SCHMIDTBauer  
(Print Name)

  
(Signature)

Evaluation Team Leader

Kareem Taylor  
(Print Name)

  
(Signature)

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

1. **Observation:** The CUPA was able to demonstrate that most complaints which were referred by DTSC from January 1, 2004 to November 1, 2005 were investigated. Follow-up documentation could be found for Complaints Nos. 05-0205-0101, 04-0604-0384, 04-0504-0335, 04-0204-0122, 04-0304-0179, 04-0304-0204, and 04-0404-0241, but not for Complaints Nos. 04-0104-0037 and 04-1004-0606.

**Recommendation:** Keep up the good work. Tracking of complaints may be improved. Please follow up with your goal in utilizing SWEEPS to track the outcome of complaint investigations. Ensure that all complaints are being received by the CUPA from DTSC by providing the e-mail address of the person who should receive complaints to [slaney@dtsc.ca.gov] [dstuck@dtsc.ca.gov], complaint coordinator. Investigate and document all complaints referred. Investigation does not always entail inspection, as many issues may be resolved by other means such as a phone call. In any instance, it is suggested that all investigations be documented, either by inspection report or by "note to file" and placed in the facility file. Please keep up good work and continue to notify the complaint coordinator of the disposition of all complaints.

2. **Observation:** The CUPA has inspected all 838 known hazardous waste generators that have been identified by the CUPA. The Solano County Department of Environmental Resources has inspected all known facilities generating hazardous waste over the past three fiscal years. In addition, it has expanded the number of hazardous waste generators identified over the last triennial cycle by over a hundred facilities. The last three annual inspection summary reports indicate the following:

1) 707 hazardous waste generators were identified in Fiscal Year 02/03 of which 534 were inspected.

2) 785 hazardous waste generators were identified in Fiscal Year 03/04 of which 620 were inspected.

3) 838 hazardous waste generators were identified in Fiscal Year 04/05 of which 484 were inspected.

**Recommendation:** Keep up the good work.

3. **Observation:** There is a difference of approximately 443 facilities between what the SCDRM has reported in the FY 04-05 Inspection Summary Report and the DTSC's Hazardous Waste Tracking System.

**Recommendation:** The CUPA should reconcile its hazardous waste generator data base to ensure that all facilities are captured.

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4. **Observation:** The CUPA has incorporated documenting consent on its most recent inspection reports since the last triennial evaluation.

**Recommendation:** Remind inspectors to check off the consent box on inspection reports. Instances were found, for example, such as the inspection conducted on 08/25/03 at Motoring Specialist and the inspection conducted on 11/14/03 at Cecil's Hi Tech Auto Care where consent to conduct an inspection had not been documented.

5. **Observation:** Excellent coordination and back up between the office and field inspector in diffusing a hostile hazardous waste inspection at Midas Muffler in the City of Vallejo.

**Recommendation:** In the future, a complaint should also be filed with the local police department as well to document abusive and hostile behavior toward an inspector in conducting his official duties.

6. **Observation:** The CalARP file, Panda III 2005 Emergency Action Plan has the old OES spill phone number of 1-800-852-7550. (Note: The 800 number will still work.) An additional number listed a disconnected number (916)-427-4341

**Recommendation:** The new phone number for OES spill notification is (916) 845-8911.

Certified Unified Program Agency (CUPA)  
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**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. SCDRM began using the AEO process more frequently during fiscal year 2004/2005. Businesses with a non-critical violation(s) are granted a 30 day compliance period. Two additional 15 day compliance periods may be granted by the inspector, if necessary. If by the second and final 15 day compliance period a business continues to be noncompliant, as evidenced through re-inspection, SCDRM initiate an AEO or refer the case to the Solano County District Attorney. SCDRM supplemented the use of the Show Cause process with the Expedited Consent Order/ Stipulated Order processes. SCDRM has prepared a Sampling Policy to direct staff on proper methods for collection and documentation for legal sufficiency. During FY 04/05, SCDRM has prepared 12 AEO cases, settling 6 cases to-date. Additionally, they have referred 1 HMBP, 4 UST, and 3 HW cases to Solano County District Attorney's Office. Some of the cases recently settled by SCDRM include the follows:

- Violation: Failure to report release.  
Process: AEO  
Amount of \$ collected: \$8000
- Violation: Illegal disposal of hazardous waste.  
Process: DA  
Settlement amount: \$29,224.43  
Amount of \$ collected: \$4900
- Violation: Failure to notify.  
Process: DA  
Settlement amount: \$5,200,000  
Amount of \$ collected: \$32,500
- Violation: improper management of ignitable, reactive, and incompatible hazardous wastes that resulted in a fire. The facility stored oxidizer contaminated cleaning rags with incompatible ignitable material in a 20 yard hazardous waste container.  
Process: AEO  
Settlement amount: \$1500
- Violation: not operating in a way which would minimize the possibility of fire, explosion or release of hazardous wastes to air, soil or surface water which could threaten human health or the environment. The facility was unable to provide hazardous waste manifests to prove legal disposal of anti-freeze and waste adsorbents.  
Process: AEO  
Settlement amount: \$13,500
- Violations: illegal disposal and illegal transportation of hazardous wastes.  
Process: AEO  
Settlement amount: \$29,040

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2. SCDRM in coordination with SCDA has begun inspecting farms and ranches that are a part of the Solano County's Hazardous Materials program. For fiscal year 2004/2005, SCDRM has recorded 165 farms and ranches that have submitted Hazardous Materials Business Plans. Solano County Agriculture Department has conducted 68 HMBP inspections on farms and ranches for fiscal year 2004/2005 and has met the Triennial inspection frequency mandated by State Law. A Memorandum of Understanding (MOU) was created November 17, 2005 between the Solano County Department of Resource Management, Environmental Health Division (SCDRM) and the Solano County Department of Agriculture (SCDA). SCDA is now fully responsible for inspecting farms and ranches subject to the Hazardous Materials Business Plan program element on a three-year basis. SCDA refer any farms and ranches that are subject to the California Accidental Release Program (CalARP), Hazardous Waste Generator/Tiered Treatment, and the Underground Storage Tank program (UST) elements to SCDRM who will incorporate all applicable CUPA program inspections except Hazardous Materials Business Plan (HMBP) inspections. The SCDA refers to SCDRM any farms and ranches where violations of Hazardous Material Business Plan requirements are found during the inspection. SCDRM is then responsible for performing any formal enforcement actions.
3. The staff of SCDRM utilizes Statewide Environmental Evaluation Planning System (SWEEPS) system to record field data, schedule their own facility inspections, and to receive monthly reports detailing inspection due dates. The specialists track their inspections by the last inspection date printed on these reports. The CUPA is continually improving their program forms, looking for a more expedite and simplified way to complete a process.
4. The CUPA continues to try and coordinate with the other city and county departments to include: the fire departments, hazardous materials unit, and the local building department. A staff member of the Hazardous Materials Section and the Recycling Coordinator of SCDRM participate in the Association of Bay Area Governments (ABAG) Hazardous Waste Committee to discuss pollution prevention issues. SCDRM attends the quarterly Solano County Disaster Counsel on a quarterly basis and the Solano/Napa Counties Fire Chief's Association meetings on a bimonthly basis, and the monthly Terrorism Working Group meetings. Additionally, SCDRM has aided Solano County Department of Health and Human Services in developing a Bio-Terrorism Plan and participates in the Solano County Bio-terrorism Response Preparedness Committee.
5. The CUPA has an excellent inspection program; the CUPA inspects all facilities every two years. In addition to performing CUPA inspections, SCDRM consolidates inspection efforts by including storm water inspections for the Fairfield/Suisun Sewer District at hazardous material facilities. The storm water inspections are executed during routine regularly scheduled CUPA inspections and during complaint inspections. SCDRM conducts inspections to evaluate discharge to storm water drains at the facilities. SCDRM has provisions within SWEEPS to track the Fairfield/Suisun Sewer District inspections as a multi-media consolidation effort. SCDRM performed 189 initial inspections, 15 follow-up inspections, and 10 complaint and 2 complaint follow-up inspections during fiscal year 2004/2005.



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6. SCDRM has developed the website [www.recycle-guide.com](http://www.recycle-guide.com) that assists the public in identifying local disposal sites for small quantities of hazardous waste. Waste disposed of at these sites include waste engine oil, auto batteries, fluorescent light bulbs, photographic wastes, and etc.
7. The Solano County Department of Environmental Resources has developed an informative website listing environmental consultants for the public's consideration for UST installation and removal; spill clean ups and risk management.